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Lodi, CA 95241-1910

DOC # 2005-041167

02/22/2005 09:00A Fee:NC
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County of San Joaquin
GARY W. FREEMAN
Assessor-Recorder-County Clerk
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MAR 02 2005

City Clerk
City of Lodi

RESOLUTION NO. 2005-31

A RESOLUTION OF THE LODI CITY COUNCIL
SUMMARILY VACATING A FIVE-FOOT PUBLIC
UTILITY EASEMENT LOCATED AT
1451 SOUTH MILLS AVENUE

WHEREAS, the property owners of "Mills Avenue Family Homes," a newly-created, 12-lot subdivision currently under construction, have requested the abandonment of the five-foot utility easement lying across Lot 12 at 1451 South Mills Avenue, as shown on the map attached marked Exhibit A; and

WHEREAS, Lot 12 lies adjacent to a private street, which is dedicated as a public utility easement for all existing and proposed underground utilities; and

WHEREAS, the abandonment of the five-foot public utility easement would not affect installation or deter the public facilities and services, and the five-foot public utility easement has never been occupied; and

WHEREAS, pursuant to California Streets and Highways Code Section 8333, a local agency may summarily vacate a public service easement if the easement has not been used for the purpose for which it was dedicated or acquired five consecutive years immediately preceding the proposed vacation; and

WHEREAS, no public utilities are located in or on Lot 12 desired to be vacated.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi finds and declares as follows:

1. The above recitals are true and correct.
2. The proposed vacation is the disposition of a remainder of a larger parcel, which was acquired and used for street purposes, and, in accordance with California Government Code Section 65402(a), the City Council of the City of Lodi hereby provides that Government Code Section 65402(a) does not apply to this vacation.
3. That five-foot public utility easement located at 1451 South Mills Avenue, shown on Exhibit A attached hereto and incorporated herein, is summarily vacated as of the date of recordation of this Resolution and from and after that date no longer constitutes a street, highway, or public service easement.

4. The vacation is made pursuant to Chapter 4, Part 3, of the Streets and Highways Code of the State of California.
5. The City Clerk is hereby authorized and instructed to record this Resolution pursuant to Streets and Highways Code Section 8336.

Dated: February 16, 2005

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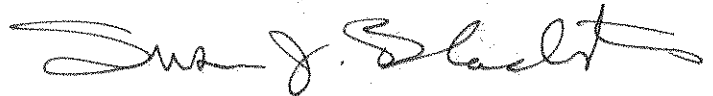
I hereby certify that Resolution No. 2005-31 was passed and adopted by the City Council of the City of Lodi in a regular meeting held February 16, 2005, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Hitchcock, Johnson, Mounce,
and Mayor Beckman

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON
City Clerk



CITY OF LODI

PUBLIC WORKS DEPARTMENT

EXHIBIT A EASEMENT ABANDONMENT

KETTLEMAN LANE

VICINITY MAP

MILLS AVENUE SINGLE
FAMILY HOMES

LOT A
PRIVATE DRIVE
AND P.U.E.

